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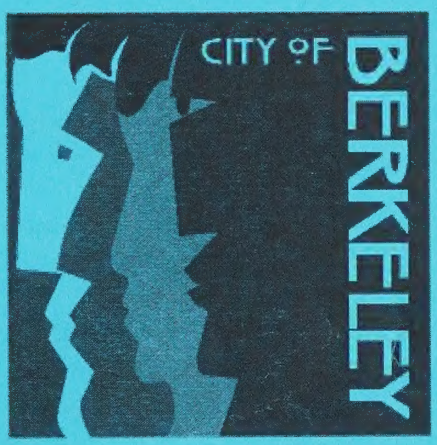

CANDIDATE HANDBOOK AND RESOURCE GUIDE

GENERAL MUNICIPAL ELECTION NOVEMBER 4, 2008

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City Clerk Department

May 30, 2008

Dear Registered Voter and Potential Candidate:

There is no higher honor than serving the people as an elected official. Your interest in running for public office is commendable.

I am pleased to provide you with this comprehensive Candidate Handbook & Resource Guide, an invaluable tool for navigating through regulations and staying current on important campaign deadlines. I encourage you to carefully read through each section.

After reading the Candidate Handbook & Resource Guide, you may have questions. Please do not hesitate to contact the Elections Unit at (510) 981-6900 or elections@ci.berkeley.ca.us. Our election staff is ready to assist you in order to make election rules, procedures, and laws a little easier to understand and follow.

We hope that you find the Candidate Handbook & Resource Guide helpful. My staff has worked hard to prepare this guide and I am proud of their effort. Of course, we always seek new methods and ideas to improve our services to the public and we welcome any ideas you have for improvement.

If you have any further questions, please feel free to contact the City Clerk Department at (510) 981-6900 or elections@ci.berkeley.ca.us. I wish you the best of luck in your campaign endeavors.

Sincerely,

Deanna Despain
Acting City Clerk

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Deanna Despain
Acting City Clerk

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The 2008 Candidate Handbook & Resource Guide is intended to provide general information about the nomination and election of candidates, and does not have the force and effect of law, regulation or rule. It is not the intent of the City of Berkeley to render legal advice. Accordingly, the guide is not a substitute for legal counsel for the individual, organization or candidate using it. In case of any conflict, the law, regulation or rule will apply.

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CITY OF BERKELEY
CITY CLERK DEPARTMENT
GENERAL ELECTION CALENDAR
November 4, 2008

Offices to be Elected:
Mayor
Council Districts 2, 3, 5, 6
Rent Board (5 seats)
School Board (2 seats)

DAYS PRIOR TO ELECTION	DATE	ACTION TAKEN
180	May 8, 2008	Suggested Last Day to file petitions regarding measure. Qualified petitions received after this date will be accepted, but may not be on the November ballot. EC 9265, 9266, 9114
158 103	May 30, 2008 July 24, 2008	Signature In-Lieu of Filing Fee - Candidate may collect signatures during this period to offset the $150 filing fee. Valid signatures are worth $1 each. Charter Art. III, Sec. 6.5
	June 10, 2008	Council to adopt resolution specifying election policies/procedures for candidate elections. Council to adopt resolutions calling election and requesting consolidation. EC 10002, 13113 Last meeting date for council to request impact reports on initiatives pursuant to Elections Code Section 9212.
	July 8, 2008	Council Meeting date to adopt resolution calling election for ballot measure. Staff to present Impact Report on initiative measures. Council to comment on City Attorney analyses and financial implications. Ballot text, title, and summary to be in final format. Last Day for council to adopt regulations for candidate statements. EC 13307, Charter Art. III, Sec. 6.5
113 88	July 14, 2008 August 8, 2008	**FILING PERIOD - CANDIDATE NOMINATION PAPERS** EC 10220 et seq., Charter Art. III, Sec. 6.5
	July 22, 2008	Last scheduled meeting prior to summer recess and the deadline to place city measures and initiatives on the Nov. 2008 ballot.
	July 31, 2008	Last day to file Semi-Annual Campaign Statements. GC 84200
87 77	August 9, 2008 August 19, 2008	Public review period for nomination forms and candidate statements filed as of 8/8/08.
87 83	August 9, 2008 August 13, 2008	**Extended candidate filing period**. Candidate filing is extended if an incumbent eligible for re-election does not file nomination documents prior to 5:00 p.m. on August 8, 2008. Incumbents are not eligible to file during the extended period. EC 10225

DAYS PRIOR TO ELECTION	DATE	ACTION TAKEN
85	August 11, 2008	Last day to withdraw (but not change) candidate statement for offices whose filing closed on E-88. EC 13307
83	August 13, 2008	Last day for city to amend or withdraw measure. EC §9605
82 72	August 14, 2008 August 24, 2008	Public review period for nomination forms and candidate statements filed as of 8/13/08.
82	August 14, 2008	Last day to withdraw (but not change) candidate statement if nomination period extended to E-83. EC 13307
81	August 15, 2008	Last day to file direct arguments on city ballot measures – deadline is 12:00 p.m. Rebuttal period opens at 4:00p.m. EC 9280-9287
71	August 25, 2008	Last day to file rebuttal arguments and Impartial Analysis – deadline is 12:00 p.m. EC 9280-9287
71 61	August 25, 2008 September 4, 2008	Public review period for all ballot materials, including ballot measure arguments and impartial analysis. Review period opens at 4:00p.m. EC 9295, 9286, 13311
57 14	September 8, 2008 October 21, 2008	Filing Period for Write-In Candidates. EC 8601
40	September 25, 2008	First Pre-Election Campaign Statement due. GC §84200.8
40 21	September 25, 2008 October 14, 2008	Voter Information & Sample Ballot Pamphlet mailing period. EC §13303-04, 13306
29 7	October 6, 2008 October 28, 2008	Vote by Mail Ballot may be obtained by mail between these dates. After Oct. 28 vote by mail ballots may be obtained at the office of the Registrar. EC §3001
15	October 20, 2008	Last Day to Register to Vote. EC §§2102, 2107
12	October 23, 2008	Second Pre-Election Campaign Statement due. GC §84200.8
7	October 28, 2008	City Clerk must publish list of campaign contributions of $50 or more in newspaper of general circulation. BMC Sec. 2.12.065
Election Day	**November 4, 2008**	**Election Day EC §1000**
28	December 2, 2008	Last day for County to certify results to city. EC §15372
35	December 9, 2008	Council to certify results. EC §10262, Charter Art. III, Sec. 10
	January 31, 2009	Semi-Annual Campaign Statement due. GC 84200

Updated 5/14/08

EC: Elections Code; GC: Government Code; BMC: Berkeley Municipal Code

CANDIDATE FILING PROCEDURES CHECKLIST

This can be used as a helpful checklist, but may not be inclusive of every requirement for office.

			Date Issued	Date Filed
1.	**Personal information provided to Elections Office**			
		a. Residence Address (verify in city boundaries)	N/A	__/__/__
		b. Candidate Information for Public Review	__/__/__	__/__/__
2.	**Nomination Papers/Affidavit of Nominee (7/14/08 – 8/8/08)**			
	Required	a. Filing Fee Paid/Sigs in lieu (reconcile difference)	__/__/__	__/__/__
	Required	b. Nomination Paper	__/__/__	__/__/__
	Required	c. Affidavit of Nominee	__/__/__	__/__/__
		Name on Ballot (no titles or degrees)		__/__/__
		Ballot Designation (must complete worksheet)		__/__/__
	Required	Oath of Office taken		__/__/__
		All other portions filled out and signed		__/__/__
	Required	d. Form 700 Statement of Economic Interest	__/__/__	__/__/__
	Required	e. Certificate of Residency (council candidates only)	__/__/__	__/__/__
	Required	f. Stmt. of Real Property Interest (Rent Bd. Only)	__/__/__	__/__/__
	Optional	g. Fair Campaign Practices	__/__/__	__/__/__
3.	**Candidate's Statement - Optional** **Must file statement *with* Nomination Papers; no later than 8/8/08**			
		a. 200 words	__/__/__	__/__/__
		b. Meets all format requirements	__/__/__	__/__/__
		c. Photo provided in proper format	__/__/__	__/__/__
		d. Attached to candidate's statement form	__/__/__	__/__/__
		e. Endorser Consent Forms (one for each endorser)	__/__/__	__/__/__
		f. Web site release form	__/__/__	__/__/__
4.	**Campaign Statements**			
	See chart on page 22 for specific filing deadlines.	a. Form 501 Statement of Intention - All Candidates	__/__/__	__/__/__
		b. Form 470 Short Form - Under $250	__/__/__	__/__/__
		c. Form 470 Supplement - Amends Short Form	__/__/__	__/__/__
		d. Form 410 Statement of Organization - Over $250	__/__/__	__/__/__
		e. Berkeley Statement of Organization - Over $250	__/__/__	__/__/__
	See Manual 2	f. Form 460 Recipient Committee - 410 Filers	__/__/__	__/__/__

CITY OFFICES TO BE ELECTED AT THE NOVEMBER 4, 2008 GENERAL ELECTION

OFFICE	SEATS AVAILABLE
Mayor	1 (at-large)
Council	Districts 2, 3, 5, 6
Rent Board	5 (at-large)*
School Board	2 (at-large)

All terms of office are for the period December 1, 2008 through November 30, 2012.
Election to the office of Mayor and City Council requires a 40% vote threshold.
Rent Board and School Board winners are determined by plurality vote.

*One seat is a 2-year term. The Rent Board candidates with the four highest vote totals will serve a four-year term. The candidate receiving the fifth highest vote total will serve a two-year term from 2008-2010.

QUALIFICATIONS FOR OFFICE

Procedure for Holding Elections
Except as otherwise provided in this Charter, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities. (Charter Section 5)

Eligibility of Mayor, Auditor, Councilmember, and School Director
To be eligible for the office of Mayor, Auditor, Councilmember, or School Director, a person must, at the time of filing nomination papers for the office, be a citizen of the United States and a qualified elector of the State of California and of the City of Berkeley. (Charter Section 10)

Each candidate for council must have resided in the District in which he or she is elected for a period of not less than thirty days immediately preceding the date he or she files a declaration of candidacy. (Charter Article V. Sec. 9)

School District Governing Board Members
Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed as a member of a governing board of a school district without further qualifications. An employee of a school district may not be sworn into office as an elected or appointed member of that school district's governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. (Education Code Sec. 35107)

City Offices
Government Code section 36502(a) states that a city councilmember must be an elector of the city at the time of assuming the office, and a registered voter of the city at the time nomination papers are issued to the candidate.

Eligibility of Rent Stabilization Board Commissioners
Residents who are duly qualified electors of Berkeley are eligible to serve as Commissioners of the Board. Candidates for the position of Commissioner shall fulfill the requirements as set forth in the Charter in Article III, Sec. 6 ½. (Charter Section 121)

In addition, when filing nomination papers, candidates shall submit a verified statement of their interests and dealings in real property, including but not limited to its ownership, sale or management and investment in and association with partnerships, corporations, joint ventures and syndicates engaged in its ownership, sale or management during the previous three years.

Commissioners shall be subject to the requirements of the California Political Reform Act and other applicable state and local conflict of interest codes.

Holding Two Offices – ALL OFFICES

Government Code Section 1099 contains the provisions prohibiting the holding of incompatible, multiple offices.

1099. (a) A public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee, or other body, shall not simultaneously hold two public offices that are incompatible. Offices are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:

(1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body.

(2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.

(3) Public policy considerations make it improper for one person to hold both offices.

(b) When two public offices are incompatible, a public officer shall be deemed to have forfeited the first office upon acceding to the second. This provision is enforceable pursuant to Section 803 of the Code of Civil Procedure.

(c) This section does not apply to a position of employment, including a civil service position.

(d) This section shall not apply to a governmental body that has only advisory powers.

(e) For purposes of paragraph (1) of subdivision (a), a member of a multimember body holds an office that may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over another office when the body has any of these powers over the other office or over a multimember body that includes that other office.

(f) This section codifies the common law rule prohibiting an individual from holding incompatible public offices.

COMPENSATION AND BENEFITS FOR ELECTED OFFICIALS

	Mayor	Council	Auditor	School Board	Rent Board
Compensation	$2,850/mo.	$2,271.50/mo.	$11,474/mo.	$1,500/mo.	$500/mo.
	Redevelopment Agency Stipend $30/mtg.	Redevelopment Agency Stipend $30/mtg.			
Car	None.	None.	None.	Contact District	None.
Mileage	Standard IRS mileage rate - $0.505 per mile effective January 1, 2008	Standard IRS mileage rate - $0.505 per mile effective January 1, 2008	Standard IRS mileage rate - $0.505 per mile effective January 1, 2008	Contact District	Standard IRS mileage rate - $0.505 per mile effective January 1, 2008
Office Budget	$517,889/year	$84,893/year		Contact District	None.
Other	YMCA membership. City/emp split cost 75/25, current rate is $62/mo; City pays $46.75; employee pays $15.50.	YMCA membership. City/emp split cost 75/25, current rate is $62/mo; City pays $46.75; employee pays $15.50.	YMCA membership. City/emp split cost 75/25, current rate is $62/mo; City pays $46.75; employee pays $15.50.	Contact District	YMCA membership. City/emp split cost 75/25, current rate is $62/mo; City pays $46.75; employee pays $15.50.
Transit	Annual free Eco-Pass for AC Transit; IRC 132(f) plan for transit vouchers up to $110 in value per month for public transit subsidies with $20 per month subsidy.	Annual free Eco-Pass for AC Transit; IRC 132(f) plan for transit vouchers up to $110 in value per month for public transit subsidies with $20 per month subsidy.	Annual free Eco-Pass for AC Transit; IRC 132(f) plan for transit vouchers up to $110 in value per month for public transit subsidies with $20 per month subsidy.	Contact District	Annual free Eco-Pass for AC Transit; IRC 132(f) plan for transit vouchers up to $110 in value per month for public transit subsidies with $20 per month subsidy. Parking pass.
Medical	City pays full Kaiser premium for employees & eligible dependents. Partial coverage under the Health Net HMO is available. Employees with ongoing alternate medical coverage may receive cash in-lieu.	City pays full Kaiser premium for employees & eligible dependents. Partial coverage under the Health Net HMO is available. Employees with ongoing alternate medical coverage may receive cash in-lieu.	City pays full Kaiser premium for employees & eligible dependents. Partial coverage under the Health Net HMO is available. Employees with ongoing alternate medical coverage may receive cash in-lieu.	Contact District	City pays full Kaiser premium for employees & eligible dependents. Partial coverage under the Health Net HMO is available. Employees with ongoing alternate medical coverage may receive cash in-lieu.
Dental	City pays full premium for Delta Dental for employees and eligible dependents. Employees with ongoing alternate dental coverage may receive cash in-lieu.	City pays full premium for Delta Dental for employees and eligible dependents. Employees with ongoing alternate dental coverage may receive cash in-lieu.	City pays full premium for Delta Dental for employees and eligible dependents. Employees with ongoing alternate dental coverage may receive cash in-lieu.	Contact District	City pays full premium for Delta Dental for employees and eligible dependents. Employees with ongoing alternate dental coverage may receive cash in-lieu.
Vision	None.	None.	None.	Contact District	None.
Retirement	CalPERS 2.7% @ 55; Supplementary Retirement and Income Plan in lieu of Social Security Coverage	CalPERS 2.7% @ 55; Supplementary Retirement and Income Plan in lieu of Social Security Coverage	CalPERS 2.7% @ 55; Supplementary Retirement and Income Plan in lieu of Social Security Coverage	Contact District	Public Agency Retirement System ("PARS"). Commissioner makes tax-deferred contributions and the Rent Board matches the contribution.
Medicare	City pays 1.45% and Employee pays 1.45% on all earnings	City pays 1.45% and Employee pays 1.45% on all earnings	City pays 1.45% and Employee pays 1.45% on all earnings	Contact District	City pays 1.45% and Employee pays 1.45% on all earnings
SDI	Employee paid	Employee paid	Employee paid	Contact District	Employee paid
Deferred Comp	Employee option $15,500 per year. No City contribution	Employee option $15,500 per year. No City contribution	Employee option $15,500 per year. No City contribution	Contact District	Employee option $15,500 per year. No City contribution
Life Insurance	$25,000 Life/AD&D; employee & city contribute	$25,000 Life/AD&D; employee & city contribute	$25,000 Life/AD&D; employee & city contribute	Contact District	$25,000 Life/AD&D; employee & city contribute
Other	City-paid long term disability	City-paid long term disability	City-paid long term disability	Contact District	City-paid long term disability

SIGNATURES-IN-LIEU OF FILING FEE
(Friday, May 30, 2008 - Thursday, July 24, 2008)

As required under the Berkeley Charter, Article III, Section 6 1/2, each candidate for local office, including candidates for council district offices, and the offices of mayor, rent stabilization board commissioner and school board director, shall pay a filing fee of $150 to the City Clerk at the time the candidate receives his/her nomination papers from the City Clerk. The nomination period opens 113 days before the election (Monday, July 14, 2008) and closes 88 days before the election (Friday, August 8, 2008).

In lieu of part or all the filing fee, a candidate may submit to the City Clerk a petition containing signatures of Berkeley registered voters in lieu of the filing fee. The filing fee shall be reduced $1 per each verified registered voter's signature.

The City Clerk shall furnish to each candidate, upon request, and without charge, the official petition form(s) for securing signatures. All forms shall be made available commencing 45 days before the first day for circulating nomination papers (Friday, May 30, 2008). No other form except the form furnished by the City Clerk or forms duplicated from the master form provided by the City Clerk shall be used to secure signatures.

A person other than the candidate may obtain the signature in-lieu of filing fee petition on behalf of the candidate. The person designated to obtain the petition must be authorized in writing to obtain the forms. The authorization must name the designated person by name (first and last) and must be signed by the candidate – original signature only, no electronic or copied signatures are permitted.

Each in-lieu of petition form includes spaces for the voter's signature, printed name and residence address. The residence shall include street and number in the City of Berkeley, or other adequate designation of residence so that the location may be readily ascertained. The City Clerk will complete the information on the petition form that identifies the candidate, the office sought, and the date of the election, prior to releasing the form to the candidate for signature gathering. Each petition section will bear an affidavit signed by the circulator. Any Berkeley registered voter may circulate signatures-in lieu of filing fee petition forms on behalf of the candidate.

Signature in-lieu of filing fee petitions shall be filed at least 15 days prior to the close of the nomination period (Thursday, July 24, 2008). Upon receipt of the minimum number of in-lieu-filing fee signatures required, or a sufficient combination of signatures and pro rata filing fee, the City Clerk shall issue nomination papers provisionally. Within 10 days after receipt of a petition, the City Clerk shall notify the candidate of any deficiency. The candidate shall then, prior to the close of the nomination period, either submit a supplemental petition, or pay a pro rata portion of the filing fee to cover the deficiency.

Each candidate may submit a greater number of signatures to allow for subsequent losses due to invalidity of some signatures. The City Clerk shall not be required to determine the validity of a greater number of signatures than that required to reduce the filing fee to zero.

The submission of petitions in-lieu of candidate filing fee is voluntary and is an option to reduce or eliminate the required $150 candidate filing fee.

The signatures obtained on the petition in-lieu of candidate filing fee forms shall not substitute for a candidate's nomination papers and the signatures required under Election Code section 10220. Candidates are still required to secure no less than 20 and no more than 30 signatures of Berkeley registered voters on the official nomination papers. Eligible registered voters may sign both the candidate's nomination papers and the candidate's petition in-lieu of filing fee forms.

NOMINATION DOCUMENTS & FILING PROCEDURES
(July 14 – August 8, 2008)

All candidates must make an appointment with the City Clerk Department in order to obtain or file nomination papers – no exceptions.

FILING FEE – REQUIRED

Prior to the City Clerk issuing nomination papers, a candidate must submit a filing fee of $150 or provide a petition of signatures in-lieu of the filing fee. The City Clerk will accept a filing fee of less than $150 based on the number of the signatures submitted and verified by the close of the nomination period. Review the filing fee and signature in-lieu of filing fee process above. (Charter Article III, Section 6 ½)

NOMINATION FORM – REQUIRED

Issuing Nomination Form

The nomination period opens 113 days before the general municipal election. The nomination form shall be taken out and filed with the City Clerk only during regular business hours during the nomination period. The City Clerk, or her designee, will affix his/her signature to the nomination form at the time it is issued and will type the following information on the top of the nomination form at the time: date issued; name and address of candidate; and office sought.

The signatures shall be appended on the same sheet of paper. Once a nomination paper is filed, the paper may not be returned to the candidate to obtain additional signatures. If the nomination is determined to be insufficient or the candidate fails to obtain enough valid signatures, the city clerk will issue one supplemental petition on which the candidate may collect additional signatures. The supplemental petition shall be filed no later than the last day for filing the nomination paper. The form of the supplemental petition shall be the same as the nomination paper, except the word "Supplemental" shall be inserted above the phrase "Nomination Paper". (EC 10220, 10221 and 10227)

A person other than the candidate may obtain the nomination form on behalf of the candidate. The person designated to obtain the petition must be authorized in writing to obtain the forms. The authorization must name the designated person by name (first and last) and must be signed by the candidate – original signature only, no electronic or copied signatures are permitted. The person obtaining the nomination form must receive and sign for the complete nomination packet and complete the full initial filing appointment (approximately one hour) in order to obtain the forms.

Nomination Deadline

The candidate must complete and return all nomination papers by the filing deadline. The nomination period ends 88 days before the general municipal election for all races except those in which an incumbent does not run. If an incumbent fails to submit nomination papers, the nomination period for that race is extended to 83 days before the election. A candidate may withdraw his/her nomination papers up until the close of the nomination period. All nomination papers must be filed at the same time.
(EC 10224 and 10225)

Nomination Signatures

The candidate is responsible for obtaining the signatures of not less than twenty (20), nor more than thirty (30) registered voters who are eligible to vote for the candidate. No voter may sign more nomination forms than there are positions. There are two (2) School Board positions and five (5) Rent Board positions. No voter may sign more than one (1) nomination form per each Council District. Individuals signing a council candidate's nomination form must reside and be registered to vote in that district. The candidate may sponsor himself/herself by signing his/her nomination form. (EC 10220, Charter Article III, Section 6 ½)

Candidates should try to obtain the required number of signatures as soon as possible in order for their nomination papers to be filed and examined for sufficiency well before the filing deadline.

Each signer shall at the time of signing the petition or paper *personally affix* his or her signature, printed name, and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. (Elections Code Secs.100, 106, 10220)

Notwithstanding Elections Code Section 100, a voter who is unable to personally affix on a petition or paper the information required by Elections Code Section 100 may request another person to print the voter's name and place of residence on the appropriate spaces of the petition or paper, but the voter shall personally affix his or her mark or signature on the appropriate space of the petition or paper, which shall be witnessed by one person by subscribing his or her name thereon. (Elections Code Secs. 100.5, 354.5)

Affidavit of Circulator
This section must be completed and signed by the circulator. The circulator must be a Berkeley registered voter. If circulating for a council candidate the circulator must be registered to vote in the council district of the candidate whose papers he/she is circulating. The candidate may be the circulator. The City Clerk will verify the registration of signatories and the circulator and will certify as to whether or not the circulator saw written all signatures being entered. (EC 10222)

Affidavit of Nominee
The name of the nominee, the office sought, the date of the election, the candidate's name as it is to appear on the ballot, and the candidate's ballot designation are to be typed or printed in the space provided. The candidate must sign and date the affidavit. It is recommended that the candidate complete the Affidavit of Nominee in the presence of the City Clerk. (EC 10223)

Name on Ballot & Ballot Designation
This designation is limited to no more than three (3) words which designate either the current principal profession, vocation or occupation of the candidate or the principal profession, vocation or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents. If the candidate is currently serving in an elected office, the candidate may use words designating the elected office, which the candidate holds or the word "incumbent". Please refer to the excerpts of California Election Code Section 13106, 13107 and 13107.5 on the following pages.

******New for 2008 -*** Pursuant to Elections Code Section 13107.3, all candidates that wish to have a ballot designation listed on the ballot must complete a **ballot designation worksheet**. The candidate must file the ballot designation worksheet at the same time the Affidavit of Nominee is completed. If no ballot designation worksheet is filed, no designation shall appear on the ballot.

Oath of Allegiance
This section must be left blank until the completed nomination form is returned. The Oath will be administered by the City Clerk or designated City Clerk staff and will be signed by the candidate in front of the Clerk or designee at the time the filing is complete.

Nomination Paper References: Election Code Secs. 200, 10220-10223, and 10228; Charter Article III

FORM 700 - STATEMENT OF ECONOMIC INTERESTS – REQUIRED
Candidates are required to file a statement disclosing his or her investments and his or her interest in real property. The form must be filed by the final date for filing nomination documents. (August 8th or August 13th respective of the close of the nominating period). An interactive version of this form is available on the Fair Political Practices Commission website: www.fppc.ca.gov

Special Notice to Candidates Regarding Conflict of Interest – Resolution No. 53,989

"The purpose of this notice is to alert you to State and local conflict of interest provisions. These provisions may prohibit you, members of your family, or your employer, from having any financial relationship - - such as a contract or consultant position -- with the City, the Berkeley Housing Authority, and the Berkeley Redevelopment Agency, during the term of your office; for members of the City Council such prohibition can extend in certain instances for a one-year period following the conclusion of the term of office.

If a prohibited interest exists, the financial relationship may have to be terminated; for example, a contract may not be renewed or created, a consultant position may have to be withdrawn, your employer or a family member may be required to cease conducting business with the City.

Statements of Economic Interest are required to be filed by elected officials and appointed members of boards and commissions. The information disclosed in such statements provides the public with information concerning the financial interests of those serving in a public or official capacity, as well as assisting in the determination of whether certain of the interests disclosed require appropriate further action. The specific prohibitions applicable to potential conflicts of interest are not deemed "satisfied" or "cured" simply by filing the economic interest statements and disclosing the relevant financial interests; such a filing is a state-mandated requirement and is separate and distinct from any prohibitions that may be imposed as a result of an existing or future financial relationship with the City.

If you are uncertain as to whether existing or future financial interests you, your family, or your employer may have with the City constitute a potential conflict which would require termination or other remedial action upon your assuming elective office or upon your appointment to a City board or commission, you are encouraged to seek further information from the City Attorney's Office by providing a written description of your financial interest or relationship with the City and the elective or appointive position which you are seeking. It is your obligation to seek such advice and to bring any such potential conflicts to the City's attention. The City will not independently investigate the background or financial statements of candidates for elective or appointive office in order to detect potential conflicts of interest."

CERTIFICATE OF RESIDENCY FOR COUNCIL CANDIDATES - REQUIRED

Candidates for council seats must submit a certified statement that the candidate has been a registered voter and resided within the district for a period of thirty (30) days preceding the date the nomination papers are filed. (Charter Art. V, Sec. 9)

CERTIFIED STATEMENT OF REAL PROPERTY INTERESTS (RENT BOARD ONLY) - REQUIRED

Candidates for the rent board must submit a certified statement of real property interests at the time the nomination papers are filed. (Charter, Article XVII, Section 121)

CODE OF FAIR CAMPAIGN PRACTICES – OPTIONAL

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions." When candidates complete their nomination documents they may also complete the Code of Fair Campaign Practices. Completion of the form is optional, however, the form is a public document available for review by any member of the public. (Elections Code Sec. 20400)

PUBLIC REVIEW OF INFORMATION

At the time the candidate takes out nomination papers, the candidate will be asked to complete a Public Review Information Sheet which will include the name of the candidate, address, phone number, occupation, and elective office being sought. This information will be made available to anyone interested along with information on the date nomination papers were taken out and when they are returned.

WEB POSTING AUTHORIZATION

The candidate statement and related candidate information will be posted to the City's website (http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=4314) after the close of the nomination period.

NAME ON BALLOT & BALLOT DESIGNATION

NAME ON BALLOT – CANDIDATES FOR ALL OFFICES

The candidate's name as provided by the candidate on the Affidavit of Nominee is the way it will appear on the ballot. Candidates must use their full legal name; nicknames or shortened versions of the full legal name may be listed in quotes. The Affidavit of Nominee cannot be changed after the nomination process is complete.

No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office. (Elections Code Sec. 13106)

If the candidate has changed his or her name within one year prior to the election, the new name will not appear on the ballot unless the change was made by marriage or by Decree of Court. (Elections Code Sec. 13104)

RANDOM ALPHA DRAW FOR BALLOT ORDER

The Secretary of State will perform a random alpha draw on August 14, 2008 to reset the alphabet to determine the order in which candidates will appear on the ballot. This process is governed by Elections Code Section 13112.

BALLOT DESIGNATION – CANDIDATES FOR ALL OFFICES

New legislation adopted in 2007 requires all candidates that submit a ballot designation to complete a ballot designation worksheet and file the worksheet with the city clerk. If a candidate does not submit a ballot designation worksheet, they will not have a designation listed under their name on the official ballot.

Elections Code sections governing ballot designations:

13106. No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office.

13107. (a) With the exception of candidates for Justice of the State Supreme Court or Court of Appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only one of the following designations:

(1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.

(2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.

(3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he

or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

(b) Neither the Secretary of State nor any other elections official shall accept a designation of which any of the following would be true:

(1) It would mislead the voter.

(2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

(3) It abbreviates the word "retired" or places it following any word or words which it modifies.

(4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."

(5) It uses the name of any political party, whether or not it has qualified for the ballot.

(6) It uses a word or words referring to a racial, religious, or ethnic group.

(7) It refers to any activity prohibited by law.

(c) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.

(1) The candidate shall, within three days, excluding Saturday, Sunday, and state holidays, from the date he or she receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide a designation that complies with subdivision (a).

(2) In the event the candidate fails to provide a designation that complies with subdivision (a) within the three-day period specified in paragraph (1), no designation shall appear after the candidate's name.

(d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.

(e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

(f) In all cases, the words so used shall be printed in 8-point roman uppercase and lowercase type except that, if the designation selected is so long that it would conflict with the space requirements of Sections 13207 and 13211, the elections official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirements.

(g) Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (42 U.S.C. Sec. 1971), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

Use of the term "Community Volunteer" as a Ballot Designation
Elections Code §13107.5

(a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:

(1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.

(2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.

(3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.

(b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

EXTENDED FILING AND WITHDRAWAL OF CANDIDACY

Extension of Filing if Incumbent Does Not Qualify (August 9 – August 13, 2008)
If an eligible incumbent (including an appointed incumbent) does not file nomination papers by Friday, August 8th at 5:00 p.m., the period is extended for five calendar days or until Wednesday, August 13th at 5:00 p.m., for any person other than the incumbent. This section is not applicable where there is no incumbent eligible to be elected. (Elections Code Sec.10225, 10407)

Withdrawal of Candidate
No candidate shall withdraw his or her nomination documents after 5 p.m. on August 8th. If the filing period is extended for that office, as above, a candidate may withdraw his or her declaration of candidacy until 5 p.m. on August 13th. (Elections Code Sec.10224, 10225(b))

CANDIDATE STATEMENT
(July 14, 2008 – August 8, 2008)

CANDIDATE STATEMENT OF QUALIFICATIONS
This statement is optional and is printed at the expense of the City. The candidate statement will be printed in the voter pamphlet and mailed to registered voters within the council district for council candidates, and to all registered voters in the city for candidates running for citywide offices.

An important new regulation was adopted by the legislature in 2007 regarding candidate statements. Candidates are prohibited from making any reference to any opposing candidate in their candidate statement. If a statement does not comply with this provision it will not be accepted by the City Clerk.

If a candidate names any person as an endorser within the text of the candidate statement, the candidate must obtain the written consent of the person named in the body and submit along with the candidate statement a **Consent Form** supplied by the City Clerk.

The following is an excerpt from Elections Code Section 13307 and 13308, regarding the preparation and form of the candidate statement. Please read this excerpt carefully, along with the special instructions which follow:

13307. "Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself.

The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.

The statement shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing. The statement shall be filed in the office of the elections official no later than the 88th day before the election.

Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

Nothing in this section shall be deemed to make any statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing or contained in the voter's pamphlet."

13308. "Candidate's statement shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The elections official shall not cause to be printed or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section."

The statement must be typewritten or computer generated. It may be no more than 200 words. It will be printed as a single paragraph. NO bold, italics, caps, or underlining will be recognized by the printer. Refer to the enclosed Word Count Standards on how words are counted and keep within the 200 word maximum.

ADDITIONAL CHARTER REQUIREMENTS FOR CANDIDATE STATEMENTS

Charter Requirements

Article III, Section 6 ½ of the Berkeley Charter requires that a candidate provide the following information, which shall be printed along with the candidate statement: name; office sought; residence; place of birth; present occupation; public offices held; record of community service; taxpayer status; endorsers; and a recent photograph.

Definition of "public office"

"An office which is necessarily public: that is, it must be concerned with, belong to, and be directly responsible to the people as a whole, and the community at large. Furthermore, it must include among the duties of the office some delegation of the sovereign authority, be it legislative, executive, or judicial. Public officers are to be distinguished from mere public employees, who, although responsible to the public, do not possess any sovereign authority. Furthermore, public officers are to be distinguished from all private citizens who, although possibly involved in community affairs, are not in fact responsible to the people as a whole and who also possess no sovereign authority or responsibility." (City Attorney Opinion dated March 15, 1985)

Note on "public office"

Employees of corporations, public entities, and political organizations are not considered as "holding public office". Members of political parties and organizations are not considered as "holding public office". A public officer is considered one who is responsible to the public, as a whole, and possesses sovereign authority.

Definition of "community service"

"Instances of prior service, affiliation or membership in community organizations or any other organization to the end that the electors may be in a position to estimate his or her fitness to fill public office." (can not exceed 25 words) (BMC 2.18.010)

Endorsers

The candidate shall provide not less than 5, or more than 20, residents of the City to whom he/she refers. These names shall be in the form of a typed list of the names of the endorsers in the order, and including any identification titles or addresses, which are approved by the endorser to be included in the voter pamphlet. Each name listed must be accompanied by a **Consent Form** to be completed by the endorser.

Declaration of Candidate Statement

The candidate must include and complete a declaration statement that states that each statement made as part of the candidate statement is true and correct. This declaration is to be signed in the presence of the City Clerk, her designee, or a Notary Public.

Photograph

The candidate shall provide a recent photograph for printing in the voter pamphlet. The photograph will be returned prior to the Election. Candidates are encouraged to provide an electronic file of the photo. The file should be in .GIF or .JPEG format and be at least 300 dpi resolution.

CANDIDATE STATEMENT GENERAL INFORMATION

Time Period
The filing period for the local non-partisan candidate's statement is July 14, 2008 – August 8, 2008 at 5:00 p.m. **The candidate statement must be filed at the same time the nomination paper is filed.** Once filed, statements cannot be changed. The filing period will be extended (for candidates other than an incumbent) to August 13, 2008 at 5:00 p.m. if an eligible incumbent does not file.

Cost
There is no cost to submit a candidate statement. (BMC Sec. 2.16.010)

Withdrawal
Any candidate may withdraw their statement of qualifications, either in person or by a signed statement of withdrawal, no later than 5:00 p.m. of the next business day following the close of nominations (August 11, 2008 or August 14, 2008 if the filing deadline is extended for that office). (Election Code Sec. 13307)

Confidentiality
Notwithstanding the California Public Records Act, the statements filed pursuant to Section 13307 of the Elections Code shall remain confidential until expiration of the filing deadline. (Election Code Sec. 13311)

Public Review
Candidates' statements are available for public examination in the City Clerk Department during the 10-day calendar review period (commencing at 8:00 a.m. on Saturday, August 9, 2008 or at 8:00 a.m., Thursday, August 14, 2008 if the filing deadline is extended for that office) prior to submission for printing. During this period any voter of the jurisdiction in which the election is to be held, or the county election official, may seek a writ of mandate or an injunction requiring any or all of the material in the statement to be amended or deleted. Venue for such a proceeding shall be the county in which the statement is filed.

PREPARATION OF CANDIDATE STATEMENT

Candidates **must** prepare their statement according to the following guidelines:

- Type statement exactly as you wish it to appear - statements are printed exactly as submitted, *including errors*.
- Attach the printed copy to the form provided to you. Signed hard copy is required.
- Complete the web site authorization form.
- Submit consent forms for each person listed as an endorser in your statement.
- Do not use words that are underlined, **bolded**, *italics*, Initial Capitalized or ALL CAPITALIZED.*
- Do not use any unusual spacing, punctuation, indentations, "bullets" or an "outline" format.*
- **Check for spelling, punctuation and grammar.** Remember, statements cannot be changed once they are filed.
- Confine the statement to the limitation on the number of words.
- Do not include any information stating party affiliation or membership or activity in partisan political organizations.

In addition to hard copy, please provide an electronic version via CD, memory stick, or e-mail.
- Electronic version may be in MS Word, or plain text (*.txt) format
- Send statements via e-mail to elections@ci.berkeley.ca.us
- **For discrepancies between the hard copy and the electronic copy - hard copy will prevail.**

*If a candidate submits a statement that is not in conformance with the guidelines provided, the Clerk will instruct the printer to ignore any special emphasis or formatting, and type-set the statements utilizing a uniform format.

The **"present occupation"** listed under #5 on the Candidate's Statement Form is NOT governed by the laws and regulations pertaining to the ballot designation that appears underneath the candidate's name on the ballot. Therefore, it may be different from the candidate's ballot designation. If the occupation listed on the form differs from the occupation listed on the hard copy of the statement, the occupation listed on the form will prevail.

REQUIRED TRANSLATION, FEDERAL VOTING RIGHTS ACT
In accordance with the Federal Voting Rights Act, all election information provided in English regarding voter registration, elections, and voting, including information provided in polling places and the voting booths, **must** be provided in Chinese and Spanish language to the extent needed to allow these voters to participate effectively in the electoral process and all voting related activities. Further information can be found through the Department of Justice's web site at: www.usdoj.gov/crt/voting/sec_203/activ_203.htm (Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa – 1a)

WORD COUNTING

Elections Code §9. (a) Counting of words, for purposes of this code, shall be as follows:

(1) Punctuation is not counted.

(2) Each word shall be counted as one word except as specified in this section.

(2) All geographical names shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.

(4) Each abbreviation for a word, phrase, or expression shall be counted as one word.
Example: "ACLU" or "UCLA" shall be counted as one word.

(5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(6) Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word.
Example: January 1, 2008 is two words, 1/1/08 is one word.

(7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.

(8) Telephone numbers shall be counted as one word.

(9) Internet web site addresses shall be counted as one word.

(b) This section shall not apply to counting words for ballot designations under Section 13107.

Note on Word Limit
If the text exceeds the word limit, the author may rewrite the text in order to meet the required word limit. If the author does not rewrite the text, the statement will end (cut off) at the word limit.

CAMPAIGN DISCLOSURE INFORMATION

The Political Reform Act requires candidates for elective office and all committees supporting or opposing ballot measures to file campaign statements disclosing contributions received and expenditures made. The statutory requirements of the Political Reform Act are contained in Sections 81000 – 91015 of the California Government Code and enforced by the Fair Political Practices Commission (FPPC).

In addition to the requirements of the Political Reform Act, all campaign committees formed to support or oppose ballot measures and candidates running for a local elective office must also comply with the Berkeley Election Reform Act (BERA), Berkeley Municipal Code Chapter 2.12. The BERA requires these local committees to disclose campaign contributions and expenditures at a lower threshold than required by the Political Reform Act.

For general questions regarding the Political Reform Act, you may contact the Technical Assistance Division of the Fair Political Practices Commission at (916) 322-5660, 1-866-ASK-FPPC or www.fppc.ca.gov

For questions specific to the BERA, call the Secretary to the Fair Campaign Practices Commission at (510) 981-6950 or the City Clerk at (510) 981-6900.

When you become a candidate for office, you will be provided with the Fair Campaign Practices Commission Campaign Filing Manual. This manual contains comprehensive information on the campaign finance disclosure requirements for Berkeley candidates.

OTHER IMPORTANT INFORMATION FOR CAMPAIGN COMMITTEES

Tax ID Numbers
Some banks may require a committee to obtain a Tax ID Number before opening an account. Please contact the Internal Revenue Service for further detail. You may apply for ID Number using IRS Form SS-4. Please note that the Committee ID Number issued to you by the Secretary of State is separate and distinct from the Tax ID Number you may obtain from the IRS. The two numbers are not interchangeable.

Important New Laws for 2008
Assembly Bill 1441 - Authorizes local candidates and officers to establish a separate legal defense account to defray specified attorney's fees and other related legal costs arising from their candidacy or official duties. New Government Code Section 85304.5 allows local candidates and officers to receive contributions to the separate account subject to any limitations provided by local ordinance.

FPPC Regulation 18402 - Requires that all candidate-controlled committees formed after July 1, 2007 must contain the last name of the candidate in the name of the committee.

Proposition 34
Proposition 34, passed in 2000, contains many regulations on campaign contributions and expenditures that apply to candidates and committees for local office. The full text of Proposition 34 and many useful support documents are available on the FPPC's website, http://www.fppc.ca.gov/index.html?id=243.

Candidate & Treasurer Workshop
The state FPPC will review the requirements in the Government Code for campaign committees. After the FPPC presentation, we will review the Berkeley Election Reform Act (BERA) and how it differs from state law. If you are a Berkeley Candidate or Treasurer, please be sure to stay for the BERA presentation.

Tuesday, August 19th, 2008, 7:00pm - 9:00pm, North Berkeley Senior Center, Classrooms A & B

Reservations are required! Call 1-866-ASK-FPPC (1-866-275-3772) or 916-322-5660 to sign up.

CITY OF BERKELEY
CAMPAIGN STATEMENT FILING SCHEDULE
NOVEMBER 4, 2008 GENERAL MUNICIPAL ELECTION

All candidates running for office in November 2008 and committees supporting or opposing local candidates or measures for the November 2008 election are required to file pre-election campaign statements with the Berkeley City Clerk per the following schedule. All officeholders and other open committees not running for office and/or supporting candidates or measures in the November 2008 election are required to file semi-annual statements per the following schedule. (Government Code Sections 84200 et. al and B.M.C. 2.12)

TYPE OF STATEMENT	PERIOD COVERED[1/]	FILING DEADLINE	WHO MUST FILE	METHOD OF DELIVERY
First Semi-Annual Statement	1/1/08 – 6/30/08	7/31/08	All officeholders, candidates and committees.	• Personal Delivery • First Class Mail
First Pre-Election Statement For November Election	7/1/08 – 9/30/08	10/6/08	Officeholders, candidates and committees supporting or opposing candidates or measures on the Nov. '08 ballot.[2/]	• Personal Delivery • First Class Mail
Second Pre-Election Statement For November Election	10/1/08 – 10/18/08	10/23/08	Officeholders, candidates and committees supporting or opposing candidates or measures on the Nov. '08 ballot. [2/]	• Personal Delivery • Guaranteed Overnight Service
Late Contribution Reports[3/]	10/19/08 - Election Day	24 HOURS AFTER receipt of any contribution of $1,000 or more -OR- 48 HOURS AFTER receipt of any contribution of $100-$999.[4/]	Officeholders, candidates or committees making or receiving a single contribution of $100 or more between 10/19/08 and 11/4/08 (election day).	• Personal Delivery • Guaranteed Overnight Service • Fax
Second Semi-Annual/Post-Election Statement For November Election	[1/] - 12/31/08	1/31/09	All committees, whether or not they had any campaign activity; all officeholders and candidates who have raised or spent $250 or more for the calendar year. [2/]	• Personal Delivery • First Class Mail

1/ The period covered by any statement begins on the day after the closing date of the last statement filed. The period covered begins on Jan. 1st if no previous statement filed.

2/ Candidates who have already filed a Form 470 for the first semi-annual period who do not anticipate receiving or spending more than $250 in a calendar year are not required to file another Form 470.

3/ Must be delivered by facsimile, mailgram, telegram or guaranteed overnight mail through the U.S. Postal Service or delivered in person.

4/ The requirement does not exempt filers from the $250 per candidate contribution limitation.

These forms are to be filed with the City Clerk, 2180 Milvia Street, Berkeley, CA 94704.

Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, there is no provision in the law for extending a filing deadline. Late statements may be subject to a $10 per day late fine.

NEW FOR 2008

Online Campaign Statement Filing

The City of Berkeley has implemented a new online campaign statement filing system. The new system will facilitate the filing process and speed the posting of campaign statements to the web. The online filing system is ready for use by campaign committees in the City of Berkeley.

The new online system provides many helpful features for filers, including:

- **Notification of missing information prior to filing.**
- **Storage of contribution and expenditure data, saving you time on future filings and providing a quick-access lookup function.**
- **Compatibility with third party software to upload data.**
- **Automatic calculation of summary lines and summary page totals!**
- **Clean, accurate, professional looking forms filed quickly and easily.**

Committee Treasurers may contact the City Clerk Department today to obtain a secure filer ID and password for the online filing system!

Contact the Elections Unit at 981-6900 or elections@ci.berkeley.ca.us to get started, and you will be on your way to filing campaign statements quickly, easily, and online!

To view City of Berkeley campaign statements online visit
http://www.netfile.com/agency/brk/

BERKELEY ELECTION REFORM ACT (BERA)
DIFFERENCES BETWEEN STATE AND LOCAL LAW REPORTING REQUIREMENTS

Berkeley's campaign disclosure reporting requirements under the BERA differ from State law requirements. As a campaign filer you are responsible for knowing the differences between the BERA and State law requirements, complying with both laws, and filing the proper reports. While Berkeley uses the state's campaign disclosure forms, local campaign filers must comply with the BERA's disclosure reporting requirements.

Campaign filers should always consult the definitions and requirements provided in the BERA, the Fair Campaign Practices Commission (FCPC) Campaign Filing Manual, and the FCPC Regulations when completing the state forms to ensure full compliance with local law. The following are highlights of local reporting requirements. It is only a very general overview and should not be relied upon in lieu of the above-mentioned resources. Please refer to Appendix A of the Campaign Filing Manual for a detailed discussion of the differences between the BERA and state law disclosure requirements.

Form 410 and City of Berkeley Statement of Organization
For the purposes of filing a Form 410 Statement of Organization, state law defines a committee as any person or combination of persons who directly or indirectly receives contributions or makes independent expenditures of $1,000 or more during a calendar year, or makes an contributions totaling $10,000 or more in a calendar year to or at the behest of candidates or committees. (Govt. Code 82013). . The BERA defines a committee as any person or combination of persons that directly or indirectly receives contributions or makes expenditures exceeding more than **$250** in a calendar year for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of one or more candidates, or the passage or defeat of any measure. (Berkeley Municipal Code (BMC) § 2.12.095.)

Under the BERA, every committee must file a Form 410 and City of Berkeley Statement of Organization with the City Clerk's Office **within 10 days** of the date the committee formed (See BMC § 2.12.255.) The Form 410 need not be filed with the Secretary of State unless and until a committee makes expenditures or receives contributions of $1,000 or more. An amendment to the Form 410 and/or City of Berkeley Statement of Organization must be filed **within 10 days** of the date of a change. (BMC § 2.12.265.)

Form 450 – Recipient Committee Campaign Disclosure Statement – Short Form
Under state law, committees, not controlled by candidates, that have not received $100 or more from a single source during the period covered by the statement, and have no unpaid bills, outstanding loans or unpaid pledges may file a Form 450. Under the BERA. committees that have **not received contributions of $50 or more** from a single source during the period covered by the statement, and have no unpaid bills, outstanding loans or unpaid pledges may file a Form 450.

Although state law requires contributions or expenditures of $100 or more to be itemized on the Form 450, the BERA requires committee's to item expenditures of **$50** or more.

Form 460: Recipient Committee Campaign Statement
Under state law, candidates, officeholders, ballot measure committees, primarily-formed and general purpose committees that make expenditures or receive contributions of $1000 or more in a calendar year must file a Form 460. Under the BERA, candidates, officeholders, ballot measure committees, and independent committees that make expenditures or receive contributions of **$250 or more** in a calendar year must file a Form 460.

Under state law, contributions of money and non-monetary contributions; loans received, repaid, loans made and loan guarantors; non-monetary contributions, expenditures supporting or opposing other candidates, measures and committees; payments made and expenses accrued; payments made by an agent or independent contractor; accrued expenses, loans made, and miscellaneous increases of cash in the amount of $100 or more must be both itemized and reported in the aggregate on the appropriate Schedules and summarized on the Summary Page.

However, under BERA, these campaign contributions and expenditures must be itemized at a **$50 or more** threshold and must be reported on the proper schedule and summarized on the Summary Page. **Filers must also include the principal place of business (i.e., city) for all self-employed donors who contribute $50 or more.**

Form 465 – Supplemental Independent Expenditure Report
Under state law, the Form 465 is used for reporting of independent expenditures of $1,000 or more in a calendar year to support or oppose a single candidate, a single measure, or the qualification of a single measure. In Berkeley, the Form 465 is used to report independent expenditures of **$250 or more to ballot measure committees** and expenditures of **$50 or more** are required to be itemized.

Form 470 – Officeholder and Candidate Campaign Statement – Short Form
Under state law, the Form 470 is for use by candidates/officeholders who do not anticipate spending or receiving $1,000 or more during a calendar year. However, in Berkeley, the Form 470 is for use by candidates/officeholders who do not anticipate **spending or receiving $250 or more** in a calendar year.

Form 496 – Late Independent Expenditure Report
Under state law, a Form 496 must be filed within 24 hours of making an independent expenditure totaling $1,000 or more to support or oppose a single candidate or single ballot measure during the 16 days immediately prior to the election. However, under BERA, this form must be filed **within 24 hours** of any expenditure of **$100 or more** made during the 16 days immediately prior to the election.

Form 497 – Late Contribution Report
Under state law, a Form 497 must be filed within 24 hours of receiving a late contribution of $1,000 or more from a single source during the 16 days immediately prior to the election. However, under BERA, a Form 497 or other late contribution report must be filed by a candidate or committee **within 48 hours** of receiving any contribution of $100 or more but less than $1,000; and a late contribution of $1,000 or more (e.g., to a ballot measure committee) must be reported **within 24 hours** of receipt. (BMC § 2.12.295.)

OFFICE OF THE CITY CLERK ADMINISTRATIVE POLICY
ASSESSING AND WAIVING FINES FOR THE LATE FILING OF FPPC REGULATED DOCUMENTS

PURPOSE
To establish a procedure for assessing and waiving fines for the late filing of statements of economic interests and campaign disclosure statements.

SCOPE
The Political Reform Act contained in the California Government Code, mandates specific deadlines for the filing of statements of economic interests and campaign disclosure statements. Anyone filing a statement after a prescribed deadline may be fined. This procedure provides a guideline for the assessment and/or waiver of fines.

PROCEDURE

A. Statements Of Economic Interests & Campaign Statements

1) General Provisions

Any person who does not file a statement of economic interest on time may incur a late penalty of $10 for each day the statement is late, up to a maximum of $100. (GC §91013)

Any person who does not file a campaign statement on time may incur a late penalty of $10 for each day the statement is late. (GC §91013) The liability for the penalty for late filing is limited to the cumulative amount of the contributions or expenditures for the period covered by the report or $100, whichever is greater.

The City Clerk, as the filing officer, has the authority to fully or partially waive a fine if, on an impartial basis, it is determined that the late filing was not willful. However, no liability may be waived if a statement is not filed by the deadline stated in the Specific Written Notice. (GC §91013)

For Campaign Reports, the late report must be filed within 10 days, or 5 days for a second pre-election statement, after specific written notice of late filing is sent in order to qualify for a waiver. (GC §91013)

2) Notices

The first notice of non-filing will be sent within 5 calendar days from the filing deadline.

The filing officer has the authority to waive or reduce fines for filers that submit a late report with a completed Request for Waiver of Liability. The waiver request must show good cause under the criteria listed below.

The second notice, or Specific Written Notice, will be sent 30 calendar days after the first notice of non-filing.

The filing officer may not waive or reduce the fine if the statement is not filed by the deadline stated in the Specific Written Notice. (GC §91013)

B. Assessing and Waiving Late Filing Fines

Full fines will be imposed upon persons who file a statement after the filing deadline and receive a Notice of Non-Filing from the City Clerk, unless they have qualified for a waiver.

Persons who file a completed Request for Waiver of Liability may have their fine waived or reduced if their reason for filing late falls within the "good cause" guidelines adopted by the Secretary of State:

When considering whether or not to waive or partially waive a fine, the filing officer will take into consideration any prior late filings. A filer who repeatedly files late greatly increases the chance of receiving a fine.

SECRETARY OF STATE - GOOD CAUSE GUIDELINES
WAIVER REQUEST

A request for waiver must be submitted on a Request for Waiver of Liability Form (Form PRD-1). The waiver request must be signed by the person(s) required to file the particular statement or report upon which the late filing fee was assessed.

There are two categories of "good cause" for waiving late filing fees. These causes must relate to the person required to file the report or statement.

First Category of Good Cause

1. **Incapacitation for Medical Reasons**
   Adequate documentation consists of a doctor's, psychologist's, therapist's, chiropractor's, or other medical provider's statement giving the nature of the incapacitation, the date(s) thereof, and the individual's name.

2. **Hospitalization**
   Adequate documentation consists of a copy of the hospital bill or doctor's statement showing the patient's name and the date(s) of the hospitalization.

3. **Accident Involvement**
   If medical attention is provided and results in the late filing, a copy of the hospital bill, emergency room service, or doctor's statement, showing the patient's name and date(s) and time(s) of medical attention, is adequate documentation. If the accident involvement results in delay or vehicle disablement which causes the late filing, adequate documentation consists of a police report showing the individual's name, the date and time of the accident, and, if applicable, whether or not the vehicle was disabled.

4. **Death**
   Adequate documentation consists of a copy of the death certificate or an obituary notice.

Second Category of Good Cause
The second category is defined as other unique, unintentional factors beyond the filer's control not stemming from a negligent act or non action. The factors are:

1. **Loss or Unavailability of Records**
   The loss or unavailability of records due to a fire, flood, theft or similar reason. Adequate documentation shall consist of a police, fire or insurance report, containing the date of the occurrence and the extent of the loss or damage.

2. **Unique Reasons**
   Other unique reasons. These include compelling reasons beyond the filer's control.

C. Deposit of Late Fines
Late fines shall be deposited into the City of Berkeley general fund account.

D. Additional Enforcement
Assessment of penalties and fines by the City Clerk does not preclude the filer from further civil or criminal penalties from enforcement action taken by the Berkeley Fair Campaign Practices Commission (FCPC) or the State Fair Political Practices Commission (FPPC). The FCPC will be notified of all non-filing and penalty action taken by the City Clerk's Office. Filers may also be referred for enforcement by the FPPC.

Under the Berkeley Election Reform Act, the FCPC may pursue action at law against the filer, refer the matter to the District Attorney, both of which may result in the monetary penalties, forfeiture of office, termination of candidacy, and ineligibility to seek office at future elections.

MASS MAILINGS - FCPC REGULATIONS AND CERTIFICATION

R2.12.325.1 MASS MAILINGS; FILING

(a) A mass mailing means any mailing as defined in BMC Section 2.12.150 that has been sent within a calendar month.

(b) Any committee, candidate, officeholder, individual or organization who

(1) Has local filing requirements pursuant to the BERA, as it may be amended from time to time, and

(2) Makes expenditures supporting or opposing one or more candidates or ballot measures, shall file three copies of each mass mailing paid for by expenditures reported therein.

R2.12.325.2 Filing of Mass Mailings - Method of Filing

Three copies of all mailings as defined in BMC Section 2.12.150 shall be filed with the City Clerk's Office no later than one day of the date the mass mailing was first placed in the U.S. mail. Filing shall be made by hand-delivery to the City Clerk's Office no later than one day after the mailing or by depositing three originals addressed to the City Clerk's Office in the U.S. mail on the same day as the first pieces are deposited in the U.S. mail. Mass mailings may be filed with the City Clerk prior to the date of the actual mailing.

Each mass mailing required to be filed with the City Clerk pursuant to BMC § 2.12.325 shall be accompanied by a certification of the date the mass mailing was (or will be) deposited in the U.S. mail. The certification shall include the following information:

(a) The name of the candidate, committee, officeholder, individual or organization with local filing requirements under the BERA responsible for the mass mailing.

(b) The campaign filing identification number, if any.

(c) The date that the mass mailing was (or will be) deposited in the U.S. mail.

(d) The signature of the candidate, committee, officeholder, individual or organization with local filing requirements under the BERA responsible for the mass mailing. Where a committee or organization is responsible for the filing, the certification shall be signed by the committee or organization treasurer.

The certification may be hand-or type-written by the responsible candidate, committee, officeholder, individual or organization with local filing obligations under the BERA either directly on the mass mailing filed with the City Clerk's Office, or on a separate piece of paper if the piece of paper is attached to the mass mailing by staple. The certification shall be in a form substantially similar to the following:

(complete and submit certificate below)

MASS MAILING CERTIFICATION

I, _____, hereby certify under penalty of perjury that 200 or more copies of the document entitled or described as follows:

_____

were (or will be) mailed on _____ ID Number:_____

Signed:_____Date:

The filing of a mass mailing in accordance with this regulation shall satisfy the requirement in Berkeley Municipal Code Section 2.12.325 that all mass mailings be sent to the Commission.

CALIFORNIA GOVERNMENT CODE

TITLE 9. POLITICAL REFORM
CHAPTER 4. CAMPAIGN DISCLOSURE
ARTICLE 3. PROHIBITIONS

§ 84305. Mass mailings; requirements

(a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

(Added by Initiative Measure approved by the electors June 4, 1974, eff. Jan. 7, 1975. Amended by Stats.1975, c. 915. § 5, eff. Sept. 20, 1975, operative Jan. 7, 1975; Stats.1976, c. 1106. § 13; Stats.1977, c. 230, p. 1028, § 2, eff. July 7, 1977; Stats.1978, c. 1408, p. 4659, § 3, eff. Oct. 1, 1978; Stats.1984, c. 1368, § 2; Stats.1989, c. 764, § 1.)

§ 84305.5. Slate mailers; requirements

(a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on every insert included with each piece of slate mail in no less than 8-point roman type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure[1] is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top of each side or surface of a slate mailer or at the top of each side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the following statement:

> NOTICE TO VOTERS
>
> THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. All candidates and ballot measures designated by $$$ have paid for their listing in this mailer. A listing in this mailer does not necessarily imply endorsement of other candidates or measures listed in this mailer.

(3) Any reference to a ballot measure that has paid to be included on the slate mailer shall also comply with the provisions of Section 84503 et seq.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by $$$. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by $$$. The $$$ required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the $$$ designation applies except that in no case shall the $$$ be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

(b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the $$$ designation. The payment shall also be deemed to constitute authorization to appear in the mailer.

(c) A slate mailer that complies with this section shall be deemed to satisfy the requirements of Sections 20003 and 20004 of the Elections Code.

(Amended by Stats.1993, c. 472 (A.B.796), § 1; Stats.1994, c. 923 (S.B.1546), § 106; Stats.1996, c. 893 (A.B.3481), § 1, eff. Sept. 25, 1996; Initiative Measure (Prop. 208, § 36, approved Nov. 5, 1996, eff. Jan. 1, 1997).)

[1] So in ballot pamphlet.

VOTER REGISTRATION

To vote in any election, a citizen must be properly registered **15 days** prior to the election date. For the November 4, 2008 election, **voters must be registered at their current residence address by Monday, October 20, 2008.**

In order to remain eligible to vote, voters must re-register whenever they:

- Change their residence address
- Change their name (first, middle or last name) and/or signature
- Change their political party affiliation

Postage-paid voter registration forms are available at these locations:

- U.S. Post Offices
- Public libraries, and colleges
- City Halls
- Department of Motor Vehicles offices
- County Elections Office in Oakland

In order to register to vote in California, a person must be:

- A citizen of the United States and a resident of California
- At least 18 years of age by Election Day
- Not in prison or on parole for the conviction of a felony

If you plan to conduct a voter registration drive, please obtain your forms from the Alameda County Registrar's office. The City Clerk Department will only release up to five registration forms to any individual.

Spanish language assistance is available at (510) 272-6975

Chinese language assistance is available at (510) 208-9665

VOTE BY MAIL (ABSENTEE VOTING) INFORMATION

Uniform Application for an Absentee Ballot
If you plan to conduct a coordinated Vote-by-Mail campaign, please contact the Alameda County Registrar of Voters to obtain information on the required form, content, and handling of vote-by-mail request forms.

Voted Vote-by-Mail Ballots
Voted vote-by-mail ballots must be personally mailed or returned by the voter to the Alameda County Registrar of Voters or active polling place within Alameda County. Ballots must be **received** by 8:00 p.m. on Election Day.

Voted vote-by-mail ballots may be delivered by a spouse, child, parent, grandparent, grandchild, brother or sister, or a person residing in the same household only if the absent voter is unable to return the ballot personally because of illness or other physical disability. The name and relationship to the voter of the person returning the voted ballot must be entered on the absentee ballot return envelope. (Elections Code Sec. 3017 and Calif. Supreme Court)

No person shall solicit the vote of an vote-by-mail voter, or do any electioneering while in the residence of or immediate presence of the voter during the time the vote-by-mail voter is voting. Violations may result in criminal penalties. (Elections Code Sec. 18371)

SELECTED STATE LAWS GOVERNING CAMPAIGN PRACTICES

The following are selected laws from Divisions 18 and 20 of the California Elections Code, Title 9 of the Government Code (Political Reform Act) and accompanying regulations regarding campaign activities. For a complete listing of restrictions on campaign practices and accompanying regulations, please refer to the Divisions and Titles in their entirety.

CAMPAIGN LITERATURE AND SIMULATION OF THE BALLOT

Candidate Statement of Qualifications

Elections Code §18351 states, "Any candidate in an election or incumbent in a recall election who knowingly makes a false statement of a material fact in a candidate's statement, prepared pursuant to Section 11327 or 13307, with the intent to mislead the voters in connection with his or her campaign for nomination or election to a nonpartisan office is punishable by a fine not to exceed one thousand dollars ($1,000)."

Simulated Ballot

Elections Code §20009 states, "(a) Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

NOTICE TO VOTERS
(Required by Law)

'This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State.'

'This is an unofficial, marked ballot prepared by ____ (insert name and address of the person or organization responsible for preparation thereof).'

Nothing in this section shall be construed to require this notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

(b) No simulated ballot or simulated sample ballot referred to in subdivision (a) shall bear any official seal or the insignia of any public entity, nor shall that seal or insignia appear upon the envelope in which it is mailed or otherwise delivered."

Political Advertising

Elections Code §20008 states, "Any paid political advertisement that refers to an election or to any candidate for state or local elective office and that is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words ***"Paid Political Advertisement."*** The words shall be set apart from any other printed matter.

As used in this section "paid political advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office."

Libel and Slander

"The provisions of Part 2 (commencing with Section 43) of Division 1 of the Civil Code, relating to libel and slander, are applicable to any campaign advertising or communication." (Elections Code §20500)

"(a) A candidate or state measure proponent is liable for any slander or libel committed by a committee that is controlled by that candidate or state measure proponent as defined by Section 82016 of the Government Code if the candidate or state measure proponent willfully and knowingly directs or permits the libel or slander.

(b) A person who is a sponsor of a sponsored committee, as defined by Section 82048.7 of the Government Code, is liable for any slander or libel committed by the sponsored committee if the sponsor willfully and knowingly directs or permits the libel or slander." (Elections Code Sec. 20501)

ELECTIONEERING ON ELECTION DAY

No person, on Election Day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place or an elections official's office:

(a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
(b) Solicit a vote or speak to a voter on the subject of marking his ballot.
(c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his qualifications except as provided in Section 14240.
(d) Do any electioneering.

As used in [this] section "100 feet of a polling place or an election official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots. Any person who violates any of the provisions of this section is guilty of a misdemeanor. (Elections Code Sec.18370)

CORRUPTION OF VOTING AND INTIMIDATION OF VOTERS

Elections Code §18540 states, "(a) Every person who **makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting** at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.

(b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years."

Elections Code §18541 states, "(a) No person shall, with the **intent of dissuading another person from voting**, within 100 feet of a polling place:

(1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.

(2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.

(3) Photograph, videotape, or otherwise record a voter entering or exiting a polling place.

(b) Any violation of this section is punishable by imprisonment in a county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.

(c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots."

For purposes of §18541 (a)(3), the photographing, videotaping, or recording of a voter must be in order to dissuade the person from voting. This does not apply to situations where newspaper photographers are photographing a polling place for journalistic purposes.

Elections Code §18543 states, "(a) Every person who knowingly **challenges a person's right to vote** without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or who fraudulently advises any person that he or she is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, or who violates Section 14240, is punishable by imprisonment in the county jail for not more than 12 months or in the state prison.

(b) Every person who conspires to violate subdivision (a) is guilty of a felony."

In addition, §18403 also states, "Any person other than an elections official or a member of the precinct board who **receives a voted ballot from a voter or who examines or solicits the voter to show his or her voted ballot** is punishable by a fine not exceeding ten thousand dollars ($10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. This section shall not apply to persons returning an absentee ballot pursuant to Sections 3017 and 3021 or persons assisting a voter pursuant to Section 14282."

The following are excerpts from the Education Code referring to School District Elections, and are provided for informational purposes only. For a complete listing of restrictions on campaign practices and accompanying regulations, please refer to the Divisions and Titles in their entirety.

CONSIDERATION FOR VOTE

"No one who holds, or who is seeking election or appointment to, any office or employment in a local agency shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any person, or to aid or obstruct any person in securing, or to prevent any person from securing, any position, nomination, confirmation, promotion, change in compensation or position, within the local agency upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration. The prohibitions of this section shall apply to either urging or discouraging any political action of an employee." (Education Code Sec. 7053)

USE OF DISTRICT FUNDS/SUPPLIES

"(a) No school district or community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district.

(b) Nothing in this section shall prohibit the use of any of the public resources described in subdivision (a) to provide information to the public about the possible effects of any bond issue or other ballot measure if both of the following conditions are met:

(1) The informational activities are otherwise authorized by the Constitution or laws of this state.

(2) The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(c) A violation of this section shall be a misdemeanor or felony punishable by imprisonment in the county jail not exceeding one year or by a fine not exceeding one thousand dollars ($1,000), or by both, or imprisonment in a state prison for 16 months, or two or three years." (Education Code Sec. 7054)

ELECTION RESULTS

SEMIFINAL OFFICIAL CANVASS (ELECTION NIGHT RESULTS)

The semifinal official canvass will commence immediately upon the close of the polls at 8:00 p.m., November 4, 2008. The counting of ballots by the Registrar of Voters will commence when all polls are closed.

There are two different ways you may inquire about Election Night Semifinal results:

- View the results as they are posted on ROV website http://www.acgov.org/rov/
- Call ROV main phone number (510) 272-6933

The Election Night Report will NOT provide precinct by precinct results or votes cast for write-in candidates. Those totals are only available in the Statement of the Vote which is released when the election is certified.

FINAL OFFICIAL CANVASS

Election results are not final until the canvass is complete (refer to Division 15 of the Elections Code for procedural requirements and timeframes). It typically takes about 4 weeks to complete the Official Canvass and certify the official results of the election. The Official Statement of the Vote, showing the Official Final Results (totals, precinct by precinct results, and votes for qualified write-in candidates) is available from the ROV upon certification.

CITY COUNCIL TO RECEIVE CERTIFICATION OF RESULTS

The City Council will receive election results from the City Clerk as soon as final results are available from the Registrar of Voters.

ELECTED OFFICERS TO BE SEATED

Certificates of election will be issued by the City Clerk.

The newly elected officers may be sworn in by the City Clerk at a time convenient to the official on December 1, 2008, or any time thereafter. Generally there will be an official swearing in ceremony at the first December meeting following certification of the City Council, the Rent Board, and the School Board.

If no one candidate for a Council seat receives a minimum of 40% of the votes cast, a runoff election will be held between the two candidates receiving the most votes for that office. The run-off election will be held on **February 3, 2009.** The incumbent will continue to serve until such time as the runoff election results are certified by the City Clerk and accepted by the City Council. *(Charter Article V, Section 9)*

The position of Vice Mayor is determined by Council vote.

CONTACT INFORMATION AND TELEPHONE NUMBERS

IMPORTANT TELEPHONE NUMBERS

City Clerk, City of Berkeley	(510) 981-6900
City Attorney, City of Berkeley	(510) 981-6950
Secretary to Fair Campaign Practices Commission	(510) 981-6950
Alameda County Registrar of Voters	(510) 272-6933
California Fair Political Practices Commission	1-866-275-3772 1-916-322-5660

General Information on Election or Campaign Filing Questions:
Contact the City Clerk Department for general questions. Candidates may also contact the Secretary of the Fair Political Practices Commission in the City Attorney's Office, for specific questions regarding local regulations under the Berkeley Election Reform Act (BMC 2.12).

Lists of Registered Voters:
May be obtained from the Alameda County Registrar of Voters Office at 1225 Fallon Street, Room G1, Basement Level, (Oak at 12th Street), Oakland, (510) 272-6933.

CAMPAIGN SIGNS

Signs on Private Property
Political signs may not be placed on any private property (residential, commercial, or industrial) without the permission of the owner. State Penal Code Sections 556.1 and 593 govern this activity.

> **Penal Code Section 556.1**
> "It is a misdemeanor for any person to place or maintain or cause to be placed or maintained upon any property in which he has no estate or right of possession any sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of advertising, or which advertises or brings to notice any person, article of merchandise, business or profession, or anything that is to be or has been sold, bartered, or given away, without the consent of the owner, lessee, or person in lawful possession of such property before such sign, picture, transparency, advertisement, or mechanical device is placed upon the property."

Signs on Utility Poles
PG&E prohibits the attachment of campaign signs to PG&E utility poles or other facilities. The U.S. Supreme Court ruled that third parties have no right to use utility property to communicate messages to the public [Pacific Gas and Electric v. Public Utilities Commission, 475 U.E. 1 (1986)].

Signs on State Right of Way
Caltrans has strict procedures for the allowance of temporary signs on the state right of way. On the following pages you will find an authorization form provided by Caltrans. Please use this form if you plan to place any signs in the state right-of-way.

Other Sign Limitations in Berkeley
Berkeley Municipal Code Title 20, Sections 20.04 through 20.68 regulates the placement of temporary and permanent signs in the city. Please review these regulations carefully to avoid any unwanted enforcement actions during your campaign. A copy of these regulations will be provided to you at the time of filing.

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING BRANCH

Dear Candidate or Committee Member:

As a candidate or campaign worker for either office or a ballot measure, this reminder about State law governing campaign signs should be helpful to you.

Section 5405.3 of the State Outdoor Advertising Act exempts the placing of Temporary Political Signs from normal outdoor advertising display requirements.

Temporary Political Sign meets the following criteria:

A. Encourages a particular vote in a schedule election.

B. Is placed not sooner than 90 days prior to the schedule election and is removed within 10 days after that election.

C. Is no larger than 32 square feet.

D. Has had a Statement of Responsibility filed with the Department certifying a person who will be responsible for removing the sign (Attached).

A completed Statement of Responsibility must be submitted to the appropriate District Office according to the county location of the Temporary Political Sign(s).

Temporary Political Signs shall not be placed within the right-of-way of any highway, or be visible within 660 feet from the edge of the right-of-way of a classified "Landscaped freeway".

State law directs the Department of Transportation to remove unauthorized Temporary Political Signs and bill the responsible party for their removal. We are calling these provisions to your attention to avoid possible embarrassment to you and your supporters. Please pass this information along to those assisting in your campaign.

If you have any questions, feel free to contact us at the Outdoor Advertising Office.

Department of Transportation, District 4
Division of Traffic Operations
Bay Area Outdoor Advertising Branch
P.O. Box 942874, MS-36
Sacramento, CA 94274-0001
(916) 654-6230
(916) 654-4463 FAX

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING BRANCH

STATEMENT OF RESPONSIBILITY FOR TEMPORARY POLITICAL SIGNS

Election Date: _____ June _____ November Other: _____

Candidate's Name: _____

Office sought or Proposition Number: _____

County where sign(s) will be placed: _____

Number of signs to be placed: _____

RESPONSIBLE PARTY'S:
Name: _____

Address: _____

_____

Phone Number (Include Area Code) _____

The undersigned hereby accepts responsibility for the removal of Temporary Political Signs placed pursuant to Section 5405.3 of the Outdoor Advertising Act for the above candidate or proposition.
It is understood and agreed that any Temporary Political Signs placed not sooner than ninety (90) days prior to the election and/or not removed within ten (10) days after the election, may be removed by the Department and the responsible party will be billed for any associated removal costs.

_____ _____
SIGNATURE OF RESPONSIBLE PARTY DATE

Mail Statement of Responsibility to the address below.

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U.C. BERKELEY LIBRARIES
C101743606

BE A POLL WORKER

WORK FOR DEMOCRACY IN YOUR COMMUNITY

- ✓ **The Registrar of Voters is accepting applications for the next election.**
- ✓ **Election Officers who are BILINGUAL are encouraged to apply.**
- ✓ **Election Officers are required to serve the entire Election Day, from 6:00 A.M. to 9:00 P.M.**
- ✓ **This trusted position is ideal for anyone who would like to get a first-hand look at how the voting process works, and provide your neighbors their opportunity to vote.**
- ✓ **If you are interested in becoming a Poll Worker, call the county recruiters at 510-272-6971, or visit the Registrar's website at http://www.acgov.org/rov/workers.htm for an online application.**

Election Day is November 4, 2008!

NOTE TO CANDIDATES:
Contact ROV regarding policies for candidates on the ballot to serve as poll workers.